

BEFORE THE INSURANCE COMMISSIONER
FOR THE STATE OF ARKANSAS

IN THE MATTER OF
JOANN FISHER
LICENSE NO. 76218

A.I.D. NO. 2008-

005

EMERGENCY SUSPENSION ORDER

On this day the emergency matter of Joann Fisher ("Respondent") came before Julie Benafield Bowman, Arkansas Insurance Commissioner ("Commissioner"). The Arkansas Insurance Department ("Department") was represented by Zane A. Chrisman, Associate Counsel. From the facts and law before the Commissioner, she finds:

FINDINGS OF FACT

1. The Commissioner has jurisdiction over the parties and subject matter pursuant to Ark. Code Ann. §23-61-103 and the authority to issue summary license suspensions and/or order payment of penalties under Ark. Code Ann. §§ 23-60-108, 23-64-216(e), 23-64-512(a), and 23-66-408.
2. Respondent is licensed as a resident life and accident and health agent and holds Arkansas resident producer license #76218. Respondent held an appointment with AIG Annuity Insurance Company and with American General Life & Accident Insurance Company. Both companies are members of the American International Group, Inc. ("AIG").
3. On or about December 11, 2006, Respondent received \$42.96 from Betty Marcus for AIG policy numbers 126064667 and 871300861. This amount was not remitted to the insurance company.
4. On or about December 11, 2006, Respondent received \$48.61 from Willie Parker for AIG policy numbers 123225011, 123940524, and 125059871. This amount was not remitted to the insurance company.
5. On or about December 11, 2006, Respondent received \$26.66 from Luella Tobar for AIG policy numbers 122084210, 123020832, and 123192189. This amount was not remitted to the insurance company.

6. On or about December 11, 2006, Respondent received \$49.50 from Roberta Winston for AIG policy number 201749116. This amount was not remitted to the insurance company.

7. On or about December 11, 2006, Respondent received \$51.52 from Florida Lynch for AIG policy numbers 120621940, 888607180, and 888607180. This amount was not remitted to the insurance company.

8. On or about December 11, 2006, Respondent received \$34.27 from Patricia and Doreal Mills for AIG policy numbers 120154682 and 198134710. This amount was not remitted to the insurance company.

9. On or about December 11, 2006, Respondent received \$35.97 from Elliot Mills for AIG policy number 198106429. This amount was not remitted to the insurance company.

10. On or about December 11, 2006, Respondent received \$112.34 from Louise Crawford for AIG policy numbers 126913143, 191299531, 195062115, 202642418, and 201746071. This amount was not remitted to the insurance company.

11. On or about December 11, 2006, Respondent received \$112.34 from Marsha Miller for AIG policy number 201087166. This amount was not remitted to the insurance company.

12. On or about December 11, 2006, Respondent received \$30.11 from Lillie Brown for AIG policy number 123959404. This amount was not remitted to the insurance company.

13. On or about December 11, 2006, Respondent received \$17.78 from Fred Brown for AIG policy numbers 122522736 and 126986290. This amount was not remitted to the insurance company.

14. On or about December 11, 2006, Respondent received \$72.17 from Georgia Lynch for AIG policy numbers 123169973, 123226121, 199613555, and 201232446. This amount was not remitted to the insurance company.

15. Respondent later left employment with AIG. During a routine audit, AIG uncovered the deposits that were not remitted to it and determined that there was a deficiency in Respondent's accounts of \$3,476.54. AIG also notified the Department.

16. The Department requested a statement from Respondent on August 22, 2007 and September 26, 2007. Respondent never responded to the requests.

17. An investigative conference was scheduled to be held on January 10, 2008, for Respondent to attend and address the deficiencies. The Respondent failed to attend, or otherwise contact the Department.

VIOLATIONS

Respondent is in violation of:

18. Ark. Code Ann. §23-64-216(a) (1) which provides that a license may be suspended or revoked for violation of any of the causes listed in Ark. Code Ann. § 23-64-512.

19. Ark. Code Ann. § 23-64-512(a)(2) which provides that a license may be suspended or revoked for violating any insurance laws, or violating any regulation, subpoena or order of the commissioner or of another state's insurance commissioner;

20. Ark. Code Ann. § 23-64-512(a)(7) which provides that a license may be suspended or revoked for having admitted or been found to have committed any insurance unfair trade practice or fraud;

21. Ark. Code Ann. § 23-64-512(a) (8), which provides that a license may be suspended or revoked for using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state or elsewhere;

22. Ark. Code Ann. § 23-64-512(a) (13), which provides that a license may be suspended or revoked for failing to provide a written response after receipt of a written inquiry from the commissioner or his or her representative as to transactions under the license within thirty (30) days after receipt thereof unless the timely written response is knowingly waived in writing by the commissioner;

23. Ark. Code Ann. § 23-66-501, which provides that it is a fraudulent insurance practice to embezzle, abstract, purloin, or convert moneys, funds, premiums, credits, or other property of an insurer, reinsurer, or person engaged in the business of insurance;

24. Ark. Code Ann. § 23-66-405(2), which provides that all premiums collected must be remitted to the insurer within ten (10) days of receipt from the premium payor or policyholder;

25. Ark. Code Ann. § 23-66-406, which provides an agent may not retain premium for her own personal use; and

26. Ark. Code Ann. §23-64-223, which provides that an agent who collects money in her capacity as a licensee will act in a fiduciary capacity and remit the money to the person entitled thereto.

PENALTIES

27. The Department seeks sanctions, up to and including revocation of Arkansas insurance agent license of Respondent, pursuant to Ark. Code Ann. §23-64-216, Ark. Code Ann. 23-60-108, and financial penalties pursuant to § 23-64-216(d) based upon the above findings of fact.

28. Due to the gravity of the allegations and averments, it is found that a public emergency exists for the immediate suspension of Respondent's Insurance License.

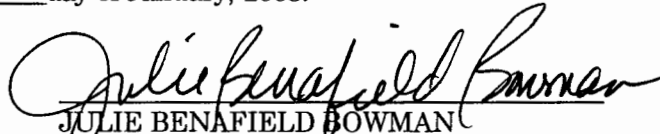
29. Any and all licenses issued by the Department, whether acquired by the Respondent, Joann Fisher, for being a broker, agent, solicitor, or consultant in this State, are hereby suspended pending a promptly instituted hearing on the above matter.

30. The Department reserves the right to amend this Emergency License Suspension Order to include additional violations of state law.

31. An Administrative Hearing on these matters and seeking to revoke all insurance licenses of the Respondent will be held on February 26, 2008, at 2:00 p.m. in the first floor hearing room of the Arkansas Insurance Department, located at 1200 West Third, Little Rock, Arkansas 72201.

32. The Administrative Hearing shall be held pursuant to Ark. Code Ann. § 23-64-216(e) and notice of same will be provided to the Respondent simultaneously with this Emergency Suspension Order.

IT IS SO ORDERED THIS 10th day of January, 2008.


JULIE BENAFIELD BOWMAN
INSURANCE COMMISSIONER
STATE OF ARKANSAS